

From: [Pree-Stinson, Samantha](#)
To: [William E Bryant CPA, CVA](#)
Cc: [Warsame, Abdi](#); [Cano, Alondra](#); [Williams-Kinsel, Jonathan N - Contractor](#); [Cunningham, Phillippe M](#)
Subject: RE: Conduct on Licensed Premises Ordinance Changes - Propose to Strengthen Ordinance
Date: Friday, September 28, 2018 3:02:19 PM
Attachments: [COLP_Flyer-2 \(002\).pdf](#)
[image003.png](#)

Good evening,

Thank you for your thoughtful email and attachments.

My name is Samantha Pree-Stinson and I am the Senior Policy Advisor to Councilmember Cunningham. I have been working very closely on this ordinance along with a cross departmental team on this project and would like to share some information with you. I have provided the

The current ordinance is not going away at all. To your point, it is in fact being strengthened so that the ordinance is clear and internal processes, procedures, and training are efficient, are being done the same way regardless of what part of the city you live in, provide better support for landlords, and tenants, and ensure that everyone's rights are being upheld.

There is a presentation that is occurring October 5th, I have attached the flyer. We will also be hosting one additional landlord specific scenario based focus group and all city meeting that will also occur Northside, dates will be determined next week. I also encourage you, if able, to attend the EDRS Committee presentation and public hearing on October 9th at 130 pm. The updates to the ordinance as well as procedural changes within the departments as to how this work is being done will be discussed at that time.

Thank you for the attachments. I look forward to you and your colleagues that you copied in your email hearing the information about this at committee. Please call me with any additional questions that you may have or respond via email. At least one of the names copied reached out to CM Goodman's office with several questions which you have also addressed here and I provided detailed information to their office to assist the constituent in being able to understand that the intent of these changes is to: prevent unjust evictions, lower the frequency of problem property complaints, provide mechanisms for intervention for low level offenses, clear and transparent implementation internally, clear mechanisms of enforcement, and increase equity for landlords and tenants alike.

There is one other question that has been asked of the office recently and I want to share that information as well. 51% of the qualifying conduct on licensed premises violations occurred in 8 neighborhoods which were all Northside wards. The average amount of qualifying violations city wide are 5 per week. This information that the work that was done to inform these changes can be found [here](#).

When the other dates are set, I will send that information to you.

Thank you again for reaching out. Have a wonderful weekend.

Sam

Samantha L. Pree-Stinson

Senior Policy Advisor to Councilman [Phillipe Cunningham](#)

Pronouns: she/her/hers

City of Minneapolis – City Council Office Ward 4

350 S. Fifth St. – Room #307

Minneapolis, MN 55415

Desk: 612-673-3313 Cell: 612-357-2573

samantha.pree-stinson@minneapolismn.gov

[Ward 4 Website](#)



From: William E Bryant CPA, CVA [mailto:web@bryant-cpa.com]

Sent: Thursday, September 27, 2018 4:26 PM

To: Cunningham, Phillipe M <Phillipe.Cunningham@minneapolismn.gov>

Cc: Ward 4 <Ward4@Minneapolismn.gov>; Baumann, John <John.Baumann@minneapolismn.gov>

Subject: FW: Conduct on Licensed Premises Ordinance Changes - Propose to Strengthen Ordinance

CM Phillipe Cunningham, Ward 4

Obviously, the below email and attachments should have included you. Please review the email and attachments as needed for your discussion on this issue. Thank you.

William E. Bryant CPA, CVA, CMAP

Bryant Development Group, LLC

Network Investments, Inc

From: William E Bryant CPA, CVA

Sent: Thursday, September 27, 2018 4:06 PM

To: Abdi.Salah@minneapolismn.gov; Cano, Alondra <Alondra.Cano@minneapolismn.gov>

Cc: 'Patrick.Sadler@minneapolismn.gov' <Patrick.Sadler@minneapolismn.gov>; 'Jana Metge' <loveloring@gmail.com>; Rand Retterath <rettterr@me.com>; jspangler99 <jspangler99@aol.com>; Sue Hunter - Weir <s-hunt1@umn.edu>; Beth Hart <bethchart@hotmail.com>; Mary Watson (<mbmwatson@aol.com>) <mbmwatson@aol.com>; Baumann, John <John.Baumann@minneapolismn.gov>; michael.sullivan <michael.sullivan@minneapolismn.gov>; Brad <bpas@usinternet.com>; cpass <cpas@runbox.com>; mark welna

<markwelna1@hotmail.com>; Judith Cole <Judith.Cole@hennepin.us>; Soleil Graphics
<sunny@soleil-graphics.com>; Jennifer Naglak (djnaglak@yahoo.com) <djnaglak@yahoo.com>;
Crystal Windschitl (pwno2005@yahoo.com) <pwno2005@yahoo.com>; Betty Bryant
(betsbetty@aol.com) <betsbetty@aol.com>; brett.nyman@minneapolismn.gov; Amy Wass
(amywass@gmail.com) <amywass@gmail.com>; Jared Wass <jaredwass@gmail.com>; Tony Abeln
<tony.abeln@gmail.com>; 'Kayla Abeln' <kayla.stevens2110@gmail.com>; 'Katherine Blauvelt
(katherineblauvelt@hotmail.com)' <katherineblauvelt@hotmail.com>; Suzanne Blum-Grundyson
<suzannebg@gmail.com>; Marj & Larry Magnuson (marjbauer@hotmail.com)
<marjbauer@hotmail.com>; Gary Simpson <Gsimpson2481@mac.com>; LaDonna Meinecke
<Lmeinecke9@gmail.com>; josephfinley48 <josephfinley48@hotmail.com>; Michael English
<Mmenglish20@gmail.com>; Lisa Siegel <lasiegel61@hotmail.com>; Diane Hansen
<diane@copenet.com>; Park Apartments <info@theparkapartments.com>; Joseph Desenclos - BBB
<jdesenclos@blockbyblock.com>; Abdul Mohamed <Coachabdul@live.com>; mahamed cali
<calimahamed@gmail.com>; Gale Cannon <Gale@banyancommunity.org>; bart buch
<bartswarm@yahoo.com>; Bart Buch <bbuch@hobt.org>; pweir_mn1@comcast.net; Shirley
Yeoman <a.yeoman.effort@gmail.com>; Melanie Majors <melanie@longfellow.org>; Bob Kambeitz
<Bobk@standish-ericsson.org>; Tabitha@ppna.org; Hannah Kamath <hannah.kamath@gmail.com>;
Sarah Linnes-Robinson <sarah@kingfield.org>; Jeanette Colby <JMColby@earthlink.net>; Peter
Eichten <pjeichten@hotmail.com>; Nancy J Carlson <nancy_carlson@live.com>; Vanessa Haight
<Vanessa@elliottpark.org>; Christie Rock Hantge <christie@thedmna.org>; Joe Tamburino
<joetamburino@comcast.net>; 'Brendan Lebsack (brendan.lebsack@gmail.com)'
<brendan.lebsack@gmail.com>; 'Peter Steen (psteen83@gmail.com)' <psteen83@gmail.com>;
'Peter Melling (pjmelling@gmail.com)' <pjmelling@gmail.com>; 'Daniel Propst
(danielpropst@gmail.com)' <danielpropst@gmail.com>; Anna Lebsack <annajohanek@gmail.com>
Subject: Conduct on Licensed Premises Ordinance Changes - Propose to Strengthen Ordinance

Council Members Alondra Cano & Abdi Warsame:

It has come to our attention that the Conduct on Premises will be going into committee in October for further review and discussion. Therefore, the purpose of this email is to request that the current Ordinance remain in place and should in fact be strengthened, as suggested below.

It is critically important to enforce the Conduct on Premises Laws and to even expand the criteria under the Nuisance definition, so that problem properties (and their problem tenants) do not diminish the quality of life for other good landlords, their tenants and neighbors. Problem properties, if left unchecked, have a way of destroying the quality of life and livability of a neighborhood.

Please refer to the attached Resolution, supported and passed by the Midtown Neighborhood Association on August 14, 2012 regarding this issue. Also attached are 10 Talking Points to explain the purpose and goal of this Resolution.

I will share with you a presentation that I created and used for 12 Landlord Workshops in the Phillips Neighborhood in cooperation with Don Greeley (former CPS) of the Minneapolis Police Department, back in 2008 thru 2010 (see attached File). The Landlords and Property Managers found this presentation very helpful and it encouraged them to take action to correct

problem tenants and to work with the Neighborhood Block Clubs to improve the neighborhood..

I have also worked with Luther Krueger of the Minneapolis Police Department, that developed a presentation used for Landlord Workshops sponsored by the City (see attached file). I had the pleasure of being one of a dozen speakers for these Workshops (which has also been translated into Spanish). The feedback from Landlords and Property Owners was positive, in that it offered them resources and support to help resolve problem situations, as well as provide them an opportunity to demonstrate their willingness get help and to be respectful to other tenants and/or neighbors that were affected by the problem situation.

We must keep the Conduct on Premises Ordinance strong in order to be effective. We do not want to take away any tools that Law Enforcement can use to ensure compliance and cooperation to resolve problem properties.

In my opinion, free Landlord and Tenant Workshops will help educate people about the law and their respective responsibilities. It will also ensure that Landlords and Tenants will continue to improve our neighborhoods, through the use of consistent, fair and reasonable Law Enforcement of an expanded Nuisance Ordinance.

This email serves to invite others to participant and comment as they wish.

William E. Bryant CPA, CVA, CMAP

Bryant Development Group, LLC

Network Investments, Inc

2524 Eleventh Avenue South

Minneapolis, MN 55404

Tel 612.872.9684 Fax 612.879.9954

View Professional Services available at:

<http://www.bryant-cpa.com/>




JOIN US FOR A

COMMUNITY ENGAGEMENT SESSION

ON CHANGES TO THE
CONDUCT ON LICENSED
PREMISES ORDINANCE

Friday | October 5 2018 | 5:30 – 7:30 PM
Hosted by Council Member Phillipe Cunningham

UROC
2001 PLYMOUTH AVE NORTH,
MINNEAPOLIS, MN 55411



From: Marty McDonough
To: [Council Comment](#)
Subject: Conduct on Premises Ordinance
Date: Tuesday, October 23, 2018 12:29:25 PM
Attachments: [EDRS Testimony - COP.docx](#)

Please share with the members of the Economic Development and Regulatory Services Committee.
This topic is on today's agenda.

Thank you.

Marty McDonough
Director of Government Affairs
MN Multi-Housing Association (MHA)
1600 W. 82nd Street, Suite 110
Bloomington, MN 55431
Direct: (952)548-2217 or Main: (952)854-8500
Visit MHA online at www.mmha.com

- Good afternoon Madame chair and members of the committee. my name is Marty McDonough, I am the director of government affairs for the Minnesota multi-housing association. we are a statewide trade association for apartment owners, property managers and product service companies headquartered in Bloomington, Minnesota. Our 2100 members own and manage just under 350,000 housing units throughout the state.
- MHA would like to take this opportunity to provide you some feedback from a rental property owners perspective on your proposed changes to the Conduct on Licensed Premises Ordinance (Ch. 244.2020).
- MHA has a long history of a good working relationship with the City of Minneapolis, in fact we have had a significant impact on several city initiatives that impact our industry. We were disappointed not to have been included in the discussions with stakeholders when these ordinance changes were developed, however we offer the following comments:
 - Mr. Smith mentioned earlier that the industry is concerned about how buildings of different sizes are treated the same under this language. The management of a property with over 100 units is certainly much different than the management of a smaller property like a duplex. We would like the size of a building to be considered by the interdisciplinary review panel in all cases when a “qualifying incident” occurs. In its current form the proposal reads that it may be considered.
 - The reporting of an eviction or a notice to vacate to the city may cause issues for tenants as they seek future housing. Currently, the notice to vacate process is a private one between the tenant and an owner (or property manager). The reporting of this process to the city will immediately make this public data. We believe that this data should not be identifiable data on individuals, rather should be reported in aggregate so that individuals are not identified.
 - There is no mention in this proposal about how this process will affect a property within the City’s rental licensing tiering system. If an owner is convinced through this process to allow a resident to remain as a resident after a “qualifying incident”, what assurance is the City offering to this owner that a future incident would not put his license or tier standing in jeopardy?
 - Perhaps a staff direction (to CPED, Reg Services, City Attorney, and City Coordinator to work with stakeholders to consider and make appropriate scoring

in the Tiered Licensing Framework to add incentives to owners and reward owner participation in the COP review process.

Again, we can't overstate our disappointment in the decisions to again keep us out of the discussions when significant policy changes are advanced that affect our industry. This exact same thing happened when the new fee schedule was rolled out earlier this year, and we hope you take us at our word that we are not opposed to thoughtful, innovative change.



MID-MINNESOTA LEGAL AID
MINNEAPOLIS OFFICE
Luke Grundman ▪ 612-746-3640 ▪ lgrundman@mylegalaid.org

October 22, 2018

RE: Conduct on Licensed Premises – Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code

Dear City Council Members:

On behalf of Mid-Minnesota Legal Aid, HOME Line, Inquilinxs Unidxs Por Justicia, and Dr. Brittany Lewis, Senior Research Associate at the Center for Urban and Regional Affairs, we submit the following comments regarding the City of Minneapolis' efforts to amend the Conduct on Licensed Premises ordinance. Mid-Minnesota Legal Aid of Minneapolis assists over 3,000 low-income tenants in Hennepin County annually. Our office provides no cost legal services to help Minnesota's most vulnerable citizens gain access to their basic rights of safety, shelter, food, health care, and education. Many of our clients are directly impacted by the negative, unintended consequences of the Conduct on Licensed Premises ordinance. As such, we are writing to you on behalf of our clients about the proposed changes to the ordinance.

We commend the City Council in its efforts to amend the Conduct on Licensed Premises ordinance and create positive, lasting change in our community. It is clear to us that the Council recognizes the significant damage that has been done to landlords and tenants, including victims of crime, survivors of domestic violence, and those seeking emergency assistance. We believe in the work that has already been done to fix a broken system. But we worry the moment will be missed. The proposed amendments do not sufficiently correct the defects or prevent damage to landlords and vulnerable tenants. We encourage the City Council to make the following changes to its proposed amendments to better serve and protect landlords, tenants, and the greater community.

If our comments raise any questions, please do not hesitate to contact us for clarification.

1. Collaborative Enforcement and Oversight at Each Stage of the Process is Lacking

There is no language in the proposed amendments to eliminate informal pressure on landlords to evict tenants prior to application of the ordinance. The use of "action alerts" have stopped, but nothing prevents their reemergence. Under the current draft, police may continue to contact landlords and pressure them to evict tenants prior to formal use of the ordinance. The current approach rightly reflects a more collaborative and interdisciplinary approach once the ordinance has been formally triggered. But in most cases, a single email, phone call, or contact in any form from police officers leads immediately to tenant displacement, long before the panel reviews the situation.

At the outset of the process, subsection (c) mandates that a crime prevention specialist will decide whether a licensed premise was used in a qualifying manner. As before, the police department

makes the initial determination. The police department guides the initial contacts with the landlords. Crime prevention specialists send notices to landlords and request that landlords contact the police department to provide additional information or to discuss services or strategies to address the problem at the rental property. Tenants are not informed, nor do they have the opportunity to be involved. Nor does anyone else. This is not a collaborative, interdisciplinary approach.

Under subsection (c)(1), the police department has the discretion to require that landlords contact or meet with a crime prevention specialist. Again, this provides far too much control to the police department. It effectively creates closed meetings between the police department and landlords at the initial stages of the process. Tenants are not invited to the meetings. The police department is given unfettered control over meetings and all initial contacts and conversations with landlords. This language must be removed from the ordinance.

The proposed amendments may exacerbate the problems that the City is trying to ameliorate. In the past, written management plans and workshops were utilized. While facially abhorrent—often containing how-to instructions for eviction—written management plans and workshops could at least be reviewed and studied. In contrast, the amendments propose meetings between the police department and landlords without any documentation, explanation, or tenant involvement.

We propose that a notice of a qualifying incident should be mailed to landlords and tenants as the first step in the process. Contact between city staff, including crime prevention specialists, and landlords about an alleged incident should be barred until the interdisciplinary review panel approves it. Empowering the interdisciplinary review panel with the authority to make this determination, rather than giving the initial determination to the police department, comports with the collaborative approach to enforcement envisioned by the authors of the process. Collaborative enforcement and oversight at each and every stage of the process will best serve and protect the needs of landlords, tenants, and the greater community.

2. Tenants' Due Process Rights Continue to be Violated

Language was added to subsection (c) in an attempt to make it clear that tenant input must be solicited and considered. However, tenants' voices in the process continue to be minimized and marginalized. The Constitution demands both effective notice and an opportunity to be heard before a person's rights or property may be taken away.

Tenants should receive the same notifications given to landlords. As presently drafted, tenants are merely given a copy of the notice sent to the landlord, and information on how they can submit additional follow-up information that may or may not be included in the review panel's determination. A tenant who receives a notice addressed to her landlord is not adequately informed about its significance to her own situation, and is not properly advised of her rights. Tenants have far more to lose than landlords when the ordinance is used. They deserve equal notice.

Furthermore, tenants are not afforded a right to a proceeding or hearing. The process does not give tenants the opportunity to discuss, in person, what allegedly happened at their homes and

why it should not result in an eviction. Under the proposed changes, tenants' due process rights continue to be violated under the line of due process cases based upon the fundamentals of *Goldberg v Kelly*, 397 U.S. 271, 90 S. Ct. 1011 (1970). Tenants have at least as significant a property interest in their homes as their landlords; this ordinance results in the deprivation of the place they eat, sleep, care for their children, and live their lives. The fundamental requirement of due process is the opportunity to be heard. *Id.* at 267. The language needs to be corrected to provide tenants with a meaningful opportunity to be heard. Furthermore, Sec. 244.600(d)(4)(c) of the ordinance must be revised to include information about how tenants can request an administrative hearing or appeal determination. Any intervention plan proposal must be served upon the landlord *and* the tenant, as well as afford tenants the same right to appeal any mandatory requirements of the proposal. Tenants must be afforded the same right to appeal as landlords.

Notices must also ensure that tenants and landlords with limited English proficiency have meaningful access to the same information as those with full English proficiency. The City should conduct an assessment to determine in which languages notices should be provided, in compliance with Title VI of the Civil Rights Act and Executive Order 13166.

3. Comments on Specific Provisions

The amendments do not address or clarify how qualifying incidents, or any further enforcement of the ordinance, will impact license tiering. Right now the tiering algorithm results in a much more significant penalty to landlords if the ordinance is triggered than if the landlord fails to maintain a healthy and safe living environment. Even the failure to disclose lead hazards to a family with children results in less of a penalty. The scheme incentivizes landlords to evict and displace tenants—tenants who may not have even done anything warranting it—more than it incentivizes them to comply with basic living conditions. Since the process already creates a route to potential penalty for landlords—license revocation—the ordinance should bar the Department of Regulatory Services from also creating a tiering penalty.

Subsection (b)

The amendments propose that the Department of Regulatory Services, with assistance from crime prevention and community navigation and outreach staff of the police department and “other designated” or participating city staff, shall be responsible for enforcement and administration of this section. “Other designated” staff must be defined. The ordinance should identify the person or people who will select the members, on what basis they will be selected, and how the public will be informed about the selection of those individuals.

Subsection (c)(2)

Notice to the tenants must include an advisory that any information that tenants offer to the city will be public information. Language should be revised to provide protections for the private, personal information provided by tenants. The City has legal obligations to protect private information furnished to it.

Subsection (d)(3)

While we appreciate the collaborative, informal approach proposed, there must still be a record of the information considered and how the information was used to determine the panel's determination. A written record of a proceeding is another hallmark of due process. It will also better allow studies of the ordinance's implementation and effects on the community.

Subsection (d)(4)b.

"Additional monitoring" must be defined. Will monitoring include daily or weekly calls from crime prevention specialists? Will monitoring include drive-by visits? Will monitoring include walk-throughs of the property? Will monitoring include a demand for information about tenants? Police monitoring of a landlord-tenant relationship will have a chilling effect on that relationship, making it impossible for that relationship to function normally. At a minimum, the ordinance should better describe what monitoring will consist of, to ensure fewer informal interactions between city staff and landlords that lead to tenant displacement.

"Another qualifying incident" must be defined. Does another qualifying incident include the same conduct by the same tenant? Does it include the same conduct by a different tenant? Does it include different conduct by the original tenant? If a prior tenant is evicted or vacates the property, do new tenants at the rental property inherit the history of prior qualifying incidents of the prior tenant?

Do tenants face any consequences for refusing to accept "offered ... services, resources or referrals?" Is continued occupancy contingent on accepting services, resources or referrals? What if there are no recurrences without services, resources or referrals? We recommend that the focus be on lease compliance, rather than receipt and cooperation with services, resources or referrals.

Subsection (d)(4)c.

"Response plans to be approved by the city" must be defined. What criteria will be used to approve response plans?

Subsection (f)

Requiring landlords to notify crime prevention specialists any time a landlord initiates an eviction action or issues a notice to vacate in relation to a qualifying incident is well-intentioned but impracticable. No mechanism exists that can compel landlords to provide this information. How would the Department of Regulatory Services for the City of Minneapolis know if landlords were not complying with subsection (f)? Does the City intend to create a future review or plan for the data gathered? What does the City intend to do with this data? We believe the data should be kept public, so the use of this ordinance may be effectively studied.

Subsection (g)

"Official police report" must be defined. Are squad notes enough? Is a misdemeanor tag enough? Is a tab charge enough?

October 22, 2018

Page 5

We hope that these comments will be used to revise amendments to the Conduct on Licensed Premises ordinance – Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code before it is approved. If you have any questions regarding the comments we have raised, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Grundman', with a long horizontal flourish extending to the right.

Luke Grundman
Managing Attorney, Housing Unit
Mid-Minnesota Legal Aid

Eric Hauge, HOME Line
Jennifer Arnold, Inquilinxs Unidxs Por Justicia
Dr. Brittany Lewis, Center for Urban and Regional Affairs

LG:eg

From: [Weinmann, Karlee](#)
To: [Council Comment](#)
Subject: FW: Public Comments for Hearing for the Conduct on Premises 10.23.18
Date: Tuesday, October 23, 2018 12:29:07 PM

Please add this comment to the public record on the matter that will come before EDRS at this afternoon's meeting.

Thanks,

Karlee Weinmann

Policy Aide

[Council Member Schroeder, Ward 11](#)

City of Minneapolis – City Council

350 S. Fifth St. -- Room 307
Minneapolis, MN 55415

Office: (612) 673-2211

Cell: (612) 240-2129

karlee.weinmann@minneapolismn.gov

she/her/hers

Subscribe to the Ward 11 email newsletter [here](#).

From: Traci Thomas Card [mailto:traci@standpointmn.org]
Sent: Tuesday, October 23, 2018 12:28 PM
To: Schroeder, Jeremy <jeremy.schroeder@minneapolismn.gov>
Subject: Public Comments for Hearing for the Conduct on Premises 10.23.18

Hello~

Below is Standpoint's public comments for the public hearing for the conduct on premises.
Thank you for your time,
Traci~

Support for the ordinance:

Access to safe housing is critical for survivors of domestic and sexual violence. Thank you for your important work on this issue. Standpoint, formerly known as the Battered Women's Legal Advocacy Project (BWLAP), exists to serve domestic and sexual violence survivors, advocates, attorneys, and other professionals working within the justice system in the state of Minnesota, including Minneapolis. Our agency receives many calls from survivors of domestic and sexual violence who have either been evicted or are being threatened with eviction for making emergency calls. Survivors have the right to access emergency first responders and law enforcement, though, these rights are often unknown or not protected. Private landlords in the City of Minneapolis need more training around their obligations and the protections our laws afford survivors of domestic and sexual

violence.

Traci Thomas-Card

Advocate Support/Grant Manager

(Pronouns: she/her/hers)

Office: 612-343-9846

Toll Free: 800-313-2666

Fax: 612-343-0786

traci@standpointmn.org

www.standpointmn.org



Standpoint serves ALL victims of domestic and sexual violence across the state of Minnesota, regardless of immigration and/or refugee status, nationality, religion, citizenship, race, ability, gender identity, sexual orientation, age, veteran status, or any other protected class.